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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/682,791 | 10/19/2001 | Kirk Feathers | 011342 | 5431 |

7590 04/07/2004

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| EXAMINER |
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FISCHETTI, JOSEPH A

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| ART UNIT | PAPER NUMBER |
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3627

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,791

Applicant(s)

FEATHERS ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election/Restrictions

Applicant's election without traverse of claims 21-30 in Paper No. 6 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21:

In lines 1 and 2 an identification code is recited as being associated with the referring source, however in lines 4 and 5, it is recited to select a referring source identification code... . Is this the same code? If so the claim makes no sense because the selecting step is already accomplished in lines 1 and 2.

Second, the step of amending is likewise confusing because why would the address need to be amended to include the code if it is already there? Second, the term amending is wrong because the internet address doesn't change, it may be redefined within the server at which the examining step occurs, but address is owned by the source holder.

In claim 23, is the second ID code the same code referred to in claim 21 last line?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-30, insofar as they can be understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bezos et al. '141 in view of Lumme et al.

Bezos et al. '141 disclose a method of identifying a referring source to an on-line retailer comprising the steps of: examining an Internet address for the presence of an identification code associated with said referring source, wherein said referring source is affiliated with each of said plurality of retailers (col. 14 lines the computer determines whether the store ID represents a valid enrolled associate in the associates database); But, Bezos et al. fail to disclose selecting a referring source identification code from a plurality of known identification codes when said address is indicative of a retailer to which said referring source is affiliated; and amending said Internet address to incorporate said selected identification code.

However, Lumme et al. disclose providing tables 14/15 which provide a known id code to an ip address (virtual number to an address book) when the SMSC selects the number of a mobile station and amends the address to include the code see col. 4, lines

13-34. It would appear obvious to modify the system in Bezos et al. to include the address modification step of Lumme et al. because the motivation for this would more to effectively coordinate the address with the source.

Re claims 22/27 :the step of examining said Internet address occurs when receiving a response to a request to link to said Internet address is answered in Bezos et al. by the purchase of the product which is read as the response which obviously must be before the amendment.

Re claims 23/30 the second identification code to uniquely identify a user is read as the id code assigned by the SMSC.

RE claim 26 Appendix B is read as the other software display

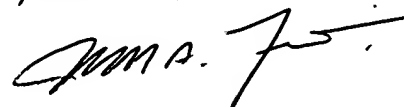
RR claim 29 said identification code in said Internet address in a manner required by each of said plurality of retailers is read as the structure of tables 14/15 in Lumme et al..

Reclaim 28: Official Notice is taken with respect to clicking on a hyperlink to effect information transmission as is the step of discarding of claim 25.

RE claim 24. The step of re-issuing said request to link to said amended Internet address is read as the mere repetition of parts.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Primary Examiner Joseph A. Fischetti at telephone number (703) 305-0731.

A handwritten signature in black ink, appearing to read "Joseph A. Fischetti", is written over the printed name of the examiner.